

(Pub. L. 116-92, div. F, title LXXIII, §7311, Dec. 20, 2019, 133 Stat. 2276.)

SUBCHAPTER II—PFAS RELEASE  
DISCLOSURE

**§ 8921. Additions to toxics release inventory**

**(a) Definition of toxics release inventory**

In this section, the term “toxics release inventory” means the list of toxic chemicals subject to the requirements of section 11023(c) of title 42.

**(b) Immediate inclusion**

**(1) In general**

Subject to subsection (e), beginning January 1 of the calendar year following December 20, 2019, the following chemicals shall be deemed to be included in the toxics release inventory:

(A) Perfluorooctanoic acid (commonly referred to as “PFOA”) (Chemical Abstracts Service No. 335-67-1).

(B) The salts associated with the chemical described in subparagraph (A) (Chemical Abstracts Service Nos. 3825-26-1, 335-95-5, and 68141-02-6).

(C) Perfluorooctane sulfonic acid (commonly referred to as “PFOS”) (Chemical Abstracts Service No. 1763-23-1).

(D) The salts associated with the chemical described in subparagraph (C) (Chemical Abstracts Service Nos. 2795-39-3, 29457-72-5, 56773-42-3, 29081-56-9, and 70225-14-8).

(E) A perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances that is—

(i) listed as an active chemical substance in the February 2019 update to the inventory under section 2607(b)(1) of this title; and

(ii) on December 20, 2019, subject to the provisions of—

(I) section 721.9582 of title 40, Code of Federal Regulations; or

(II) section 721.10536 of title 40, Code of Federal Regulations.

(F) Hexafluoropropylene oxide dimer acid (commonly referred to as “GenX”) (Chemical Abstracts Service No. 13252-13-6).

(G) The compound associated with the chemical described in subparagraph (F) identified by Chemical Abstracts Service No. 62037-80-3.

(H) Perfluorononanoic acid (commonly referred to as “PFNA”) (Chemical Abstracts Service No. 375-95-1).

(I) Perfluorohexanesulfonic acid (commonly referred to as “PFHxS”) (Chemical Abstracts Service No. 355-46-4).

**(2) Threshold for reporting**

**(A) In general**

Subject to subparagraph (B), the threshold for reporting the chemicals described in paragraph (1) under section 11023 of title 42 is 100 pounds.

**(B) Revisions**

Not later than 5 years after December 20, 2019, the Administrator shall—

(i) determine whether revision of the threshold under subparagraph (A) is warranted for any chemical described in paragraph (1); and

(ii) if the Administrator determines a revision to be warranted under clause (i), initiate a revision under section 11023(f)(2) of title 42.

**(c) Inclusion following assessment**

**(1) In general**

**(A) Date of inclusion**

Subject to subsection (e), notwithstanding section 11023 of title 42, a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances not described in subsection (b)(1) shall be deemed to be included in the toxics release inventory beginning January 1 of the calendar year after any of the following dates:

**(i) Final toxicity value**

The date on which the Administrator finalizes a toxicity value for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

**(ii) Significant new use rule**

The date on which the Administrator makes a covered determination for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

**(iii) Addition to existing significant new use rule**

The date on which the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances is added to a list of substances covered by a covered determination.

**(iv) Addition as active chemical substance**

The date on which the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances to which a covered determination applies is—

(I) added to the list published under paragraph (1) of section 2607(b) of this title and designated as an active chemical substance under paragraph (5)(A) of such section; or

(II) designated as an active chemical substance on such list under paragraph (5)(B) of such section.

**(B) Covered determination**

For purposes of this paragraph, a covered determination is a determination made, by rule, under section 2604(a)(2) of this title that a use of a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances is a significant new use (except such a determination made in connection with a determination described in section 2604(a)(3)(B) or section 2604(a)(3)(C) of this title).

**(2) Threshold for reporting**

**(A) In general**

Subject to subparagraph (B), notwithstanding subsection (f)(1) of section 11023 of

title 42, the threshold for reporting under such section 11023 of title 42 the substances and classes of substances included in the toxics release inventory under paragraph (1) is 100 pounds.

**(B) Revisions**

Not later than 5 years after the date on which a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances is included in the toxics release inventory under paragraph (1), the Administrator shall—

(i) determine whether revision of the threshold under subparagraph (A) is warranted for the substance or class of substances; and

(ii) if the Administrator determines a revision to be warranted under clause (i), initiate a revision under section 11023(f)(2) of title 42.

**(d) Inclusion following determination**

**(1) In general**

Not later than 2 years after December 20, 2019, the Administrator shall determine whether the substances and classes of substances described in paragraph (2) meet any one of the criteria described in section 11023(d)(2) of title 42 for inclusion in the toxics release inventory.

**(2) Substances described**

The substances and classes of substances referred to in paragraph (1) are perfluoroalkyl and polyfluoroalkyl substances and classes of perfluoroalkyl and polyfluoroalkyl substances not described in subsection (b)(1), including—

(A) perfluoro[(2-pentafluoroethoxyethoxy)acetic acid] ammonium salt (Chemical Abstracts Service No. 908020-52-0);

(B) 2,3,3,3-tetrafluoro 2-(1,1,2,3,3,3-hexafluoro)-2-(trifluoromethoxy) propanoyl fluoride (Chemical Abstracts Service No. 2479-75-6);

(C) 2,3,3,3-tetrafluoro 2-(1,1,2,3,3,3-hexafluoro)-2-(trifluoromethoxy) propionic acid (Chemical Abstracts Service No. 2479-73-4);

(D) 3H-perfluoro-3-[(3-methoxy-propoxy) propanoic acid] (Chemical Abstracts Service No. 919005-14-4);

(E) the salts associated with the chemical described in subparagraph (D) (Chemical Abstracts Service Nos. 958445-44-8, 1087271-46-2, and NOCAS 892452);

(F) 1-octanesulfonic acid 3,3,4,4,5,5,6,6,7,7,8,8-tridecafluoro-potassium salt (Chemical Abstracts Service No. 59587-38-1);

(G) perfluorobutanesulfonic acid (Chemical Abstracts Service No. 375-73-5);

(H) 1-Butanesulfonic acid, 1,1,2,2,3,3,4,4,4-nonafluoro-potassium salt (Chemical Abstracts Service No. 29420-49-3);

(I) the component associated with the chemical described in subparagraph (H) (Chemical Abstracts Service No. 45187-15-3);

(J) heptafluorobutyric acid (Chemical Abstracts Service No. 375-22-4);

(K) perfluorohexanoic acid (Chemical Abstracts Service No. 307-24-4);

(L) the compound associated with the chemical described in subsection (b)(1)(F) identified by Chemical Abstracts Service No. 2062-98-8;

(M) perfluoroheptanoic acid (commonly referred to as “PFHpA”) (Chemical Abstracts Service No. 375-85-9);

(N) each perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances for which a method to measure levels in drinking water has been validated by the Administrator; and

(O) a perfluoroalkyl and polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances other than the chemicals described in subparagraphs (A) through (N) that is used to manufacture fluorinated polymers, as determined by the Administrator.

**(3) Addition to toxics release inventory**

Subject to subsection (e), if the Administrator determines under paragraph (1) that a substance or a class of substances described in paragraph (2) meets any one of the criteria described in section 11023(d)(2) of title 42, the Administrator shall revise the toxics release inventory in accordance with such section 11023(d) of title 42 to include that substance or class of substances not later than 2 years after the date on which the Administrator makes the determination.

**(e) Confidential business information**

**(1) In general**

Prior to including on the toxics release inventory pursuant to subsection (b)(1), (c)(1), or (d)(3) any perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances the chemical identity of which is subject to a claim of a person of protection from disclosure under subsection (a) of section 552 of title 5, pursuant to subsection (b)(4) of that section, the Administrator shall—

(A) review any such claim of protection from disclosure; and

(B) require that person to reassert and substantiate or resubstantiate that claim in accordance with section 2613(f) of this title.

**(2) Nondisclosure of protection information**

If the Administrator determines that the chemical identity of a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances qualifies for protection from disclosure pursuant to paragraph (1), the Administrator shall include the substance or class of substances, as applicable, on the toxics release inventory in a manner that does not disclose the protected information.

(Pub. L. 116-92, div. F, title LXXIII, § 7321, Dec. 20, 2019, 133 Stat. 2277.)

**Editorial Notes**

CODIFICATION

Section is comprised of section 7321 of Pub. L. 116-92. Subsec. (f) of section 7321 of Pub. L. 116-92 amended section 11023 of Title 42, The Public Health and Welfare.

SUBCHAPTER III—USGS PERFORMANCE  
STANDARD

**§ 8931. Definitions**

In this subchapter:

**(1) Director**

The term “Director” means the Director of the United States Geological Survey.

**(2) Highly fluorinated compound**

**(A) In general**

The term “highly fluorinated compound” means a perfluoroalkyl substance or a polyfluoroalkyl substance with at least one fully fluorinated carbon atom.

**(B) Definitions**

In this paragraph:

**(i) Fully fluorinated carbon atom**

The term “fully fluorinated carbon atom” means a carbon atom on which all the hydrogen substituents have been replaced by fluorine.

**(ii) Perfluoroalkyl substance**

The term “perfluoroalkyl substance” means a chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

**(iii) Polyfluoroalkyl substance**

The term “polyfluoroalkyl substance” means a chemical containing at least one fully fluorinated carbon atom and at least one carbon atom that is not a fully fluorinated carbon atom.

(Pub. L. 116–92, div. F, title LXXIII, §7331, Dec. 20, 2019, 133 Stat. 2281.)

**§ 8932. Performance standard for the detection of highly fluorinated compounds**

**(a) In general**

The Director, in consultation with the Administrator, shall establish a performance standard for the detection of highly fluorinated compounds.

**(b) Emphasis**

**(1) In general**

In developing the performance standard under subsection (a), the Director shall emphasize the ability to detect as many highly fluorinated compounds present in the environment as possible using validated analytical methods that—

(A) achieve limits of quantitation (as defined in the document of the United States Geological Survey entitled “Analytical Methods for Chemical Analysis of Geologic and Other Materials, U.S. Geological Survey” and dated 2002); and

(B) are as sensitive as is feasible and practicable.

**(2) Requirement**

In developing the performance standard under subsection (a), the Director may—

(A) develop quality assurance and quality control measures to ensure accurate sampling and testing;

(B) develop a training program with respect to the appropriate method of sample collection and analysis of highly fluorinated compounds; and

(C) coordinate as necessary with the Administrator, including, if appropriate, to develop methods to detect individual and different highly fluorinated compounds simultaneously.

(Pub. L. 116–92, div. F, title LXXIII, §7332, Dec. 20, 2019, 133 Stat. 2282.)

**§ 8933. Nationwide sampling**

**(a) In general**

The Director shall carry out a nationwide sampling to determine the concentration of highly fluorinated compounds in estuaries, lakes, streams, springs, wells, wetlands, rivers, aquifers, and soil using the performance standard developed under section 8932(a) of this title.

**(b) Requirements**

In carrying out the sampling under subsection (a), the Director shall—

(1) first carry out the sampling at sources of drinking water near locations with known or suspected releases of highly fluorinated compounds;

(2) when carrying out sampling of sources of drinking water under paragraph (1), carry out the sampling prior to and, at the request of the Administrator, after any treatment of the water;

(3) survey for ecological exposure to highly fluorinated compounds, with a priority in determining direct human exposure through drinking water; and

(4) consult with—

(A) States to determine areas that are a priority for sampling; and

(B) the Administrator—

(i) to enhance coverage of the sampling; and

(ii) to avoid unnecessary duplication.

**(c) Report**

Not later than 120 days after the completion of the sampling under subsection (a), the Director shall prepare a report describing the results of the sampling and submit the report to—

(1) the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate;

(2) the Committee on Energy and Commerce and the Committee on Natural Resources of the House of Representatives;

(3) the Senators of each State in which the Director carried out the sampling; and

(4) each Member of the House of Representatives who represents a district in which the Director carried out the sampling.

(Pub. L. 116–92, div. F, title LXXIII, §7333, Dec. 20, 2019, 133 Stat. 2282.)

**§ 8934. Data usage**

**(a) In general**

The Director shall provide the sampling data collected under section 8933 of this title to—

(1) the Administrator; and